

EXHIBIT #2

Consolidated Elements for State Consumer Protection Law “Deception” Claims

Eighteen states have one or more consumer protection claims premised on deceptive conduct, specifically, deceptive statements, misrepresentations, and/or omissions, that are either untrue or likely to mislead consumers. The State AGs will be relying on the same body of evidence to prove each state’s deception or omission claim.

Claims Based on Deceptive Statements or Conduct – Eighteen States

A. Untrue Statements – CA, CO, DE, IL, IN, KS, KY, LA, NJ, NY, PA, SC, VA, WI

Fourteen states, encompassing eighteen (18) claims and instructions, include false, untrue or other inaccurate statements within their definition of deceptive conduct, using various synonyms to describe what amounts to a false statement under the law.

Equivalent Definitional Term	States
False, actually false, untrue	CA, CO, KS, KY, NJ, NY, PA, SC, VA, WI
False pretense, false promise	DE, IL, NJ, VA
Misrepresentation	DE, IL, IN, LA, VA, NJ1
Fraud	CA, DE, IL, LA, NJ, NY, VA
Erroneous/does not state or represent things as they are	WI
Inaccurate	KS
Likely or capacity or effect or tendency to deceive or mislead	CA, CO, CT, DE, IL, IN, KY, LA, MN, NE, NJ, NC, NY, PA, SC, VA, WI
Misleading	CO, KY, SC, VA, WI
Deceit or any deception	DE, IL, IN, LA
Believe something other than what is true	WI

B. Statements made about Characteristics of Meta's Platforms – CA, CO, DE, IL, IN, MN, NE, VA,

Eight states' claims involve deceptive statements which pertain to the characteristics, uses, benefits, sponsorship, or other aspects of Meta's goods or services.

Equivalent Definitional Term	States
Standard/Quality/grade/style/model	CO, IL, IN, MN, VA
Sponsorship, approval, characteristic, uses, benefits, or quantities	CO, DE, IL, IN, MN, NE, VA
Goods not sold as advertised	DE

C. Claims Based on Omissions – CO, CT, DE, IL, IN, KS, KY, MN, NE, NJ, NC, NY, PA, SC, VA

Multiple states have consumer protection claims based on similar theories of omissions or which are premised on the suppression, omission, or concealment of information.

Omission Language	States
Concealed, failed to state, failed to disclose, nondisclosure, suppressed, omission, or omission	CO, DE, IL, IN, KS, KY, MN, NE, NJ
Any conduct, including omissions, that have capacity to deceive	CT, IL, KY, MN, NE, NC, NY, PA, SC
Implied misrepresentation, statements of opinion not disclosed	IN
One party has information not open to other	NY, VA
Materiality of the omitted, suppressed, or concealed information	CO, CT, DE, IL, KS, KY, MN, NJ, NY, VA

D. Evidence about Inducing Consumers to Use Platforms – CA, CO, DE, IL, NJ, and WI.

Several states' deception claims involve showing that the deceptive statement was for purposes of or with intent of inducing consumers to use Meta's Platforms. Two states' definitions of "advertisement" include language that it is for purposes of inducing consumers to use Meta's platforms. Some states' claims involve showing that omissions induced consumers to use the platform, but only for their claims based on omissions.

Element	States
Inducing consumers to use platform (deception claims)	CA, DE, IL, NJ, WI
Inducing consumers to use platform (omissions claims)	CO, DE, IL, NJ

I. Connection with Trade, Commerce, Course of Business, Consumer Transaction, or Advertisement – CA, CT, CO, DE, IL, IN, KS, KY, LA, MN, NC, NE, NJ, NY, PA, SC, VA

Multiple states' claims involve demonstrating that the deceptive statement has some connection to trade, commerce, or is made in the course of Meta's business more broadly. Those states' claims can be grouped based on this evidence as follows:

Deception connected with:	States
Course of Business	CA, CO, DE, MN, NE
Trade or Commerce	CT, IL, KY, NE, NY, LA, NC, PA, SC
Consumer transaction	IN, KS, VA
Advertisement or consumer-oriented representation	DE, NJ, NY

II. Knowledge – Deception Claims - CA, CO, IN, KS

Four states' deception claims consider evidence of Meta's knowledge, willfulness or whether it acted with reckless disregard in making deceptive statements.

Equivalent Definitional Term, Deception Claims:	States
Knew or should have known	CA, CO, IN, KS
Reckless disregard	CO
Willfully	KS

Six states' omissions claims involve demonstrating knowledge, willfulness or that Meta acted with reckless disregard in its conduct.

Equivalent Definitional Term, Omissions Claims:	States
Knew, knowing	CO, NJ, VA
Willfully	KS
Intent to deceive, deliberate	VA

III. Materiality – Deception Claims--CT, KS1—and Omissions Claims--CO, CT, DE, IL, KS, KY, MN, NJ, NY, VA

Two states' deception claims involve showing that deceptive statements are material.

Equivalent Definitions of Material, Deception Claims	States
Likely to affect consumer decisions or conduct	CT
Consumer would attach importance to it in determining how to act	KS

Six states' omissions claims involve showing that the omission is material.

Equivalent Definitions of Material, Omissions Claims	States
If a reasonable person would regard it as important in deciding what to do	CO, NJ
Likely to affect consumer decisions or conduct	CT, MN
Type of information upon which a consumer would be expected to rely in making a decision	IL
Consumer would attach importance to it in determining how to act	KS

IV. Impact on the Public – CO, NE, NY, SC

Four states' claims involve showing that that the deceptive conduct has or has had an impact on the public.

Public Impact Considerations:	States
For conduct prior to May 23, 2019, considers: <ul style="list-style-type: none"> i. Number of consumers impacted; ii. Sophistication of affected consumers; iii. Bargaining power of affected consumers; iv. Evidence of prior impact; v. Evidence of future impact. 	CO
Considers whether the deceptive act or practice affects the public interest	NE
Conduct was persistent or repeated	NY
Considers evidence of likelihood of repetition based on evidence of past similar conduct or company procedures that risk recurrence.	SC

V. Knowledge, Awareness, Intent

For some states' claims, knowledge, awareness or intent as mental states are included in proving liability for deceptive conduct, while in others, it is relevant primarily to the imposition of civil penalties. These standards range from showing that a company knew or should have known a statement was misleading, to acting with intent to deceive or recklessness. This broader relevance highlights that mental state considerations extend well beyond a narrow subset of jurisdictions and regardless of the different formulations, each state will be relying on the same body of evidence regarding Meta's knowledge and intent.